

EXHIBIT 3

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CAPELLA PHOTONICS, INC.,

NO. 2:20-cv-77-JRG

Plaintiff

v.

INFINERA CORPORATION, TELLABS,
INC., TELLABS OPERATIONS INC.,
CORIANT AMERICA INC., and CORIANT
(USA) INC.,

Defendants.

**PLAINTIFF CAPELLA PHOTONICS, INC.'S OBJECTIONS AND RESPONSES
TO DEFENDANTS' FIRST SET OF INTERROGATORIES (NOS. 1-20)**

Pursuant to Federal Rules of Civil Procedure 26 and 33, Plaintiff, Capella Photonics, Inc. ("Capella"), hereby objects and responds to the First Set of Interrogatories (Nos. 1-20) of Defendants Infinera Corporation, Tellabs, Inc., Tellabs Operations Inc., Coriant America Inc., and Coriant (USA) Inc. (collectively, "Infinera"), as follows:

PRELIMINARY STATEMENT

Capella states that discovery in this matter is ongoing and will continue as long as permitted by statute, stipulation or Order of the Court. Capella expects that this ongoing discovery, as well as its own investigation, will lead to additional relevant evidence. Capella reserves its right to supplement and modify its responses to these interrogatories, and to introduce at trial or any other proceeding any evidence from any source and testimony from any witness.

Capella further states that it is making a good-faith effort to respond to these interrogatories; and that it is responding as it interprets and understands them based only upon such information as is presently available to, and specifically known by, Capella. If Infinera

at an appropriate time to determine which of the subparts Infinera wishes Capella to answer.

SPECIFIC OBJECTIONS AND RESPONSES

Without waiving or limiting in any manner any of the foregoing general objections, but, rather, incorporating them into each of the following responses to the extent applicable.

INTERROGATORY NO. 1:

Identify and describe all factual and legal bases that support or contradict the priority date
You contend that each Asserted Claim is entitled to.

RESPONSE TO INTERROGATORY NO. 1:

Capella objects to Interrogatory No. 1 to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, and/or any other privilege or immunity. Capella also objects to this interrogatory as vague and ambiguous. Capella also objects to this interrogatory as overly broad and unduly burdensome. Capella also objects to this interrogatory as containing improper multiple subparts. Capella has identified 25 asserted claims in the '905 Patent and 44 claims under the '906 Patent. Capella also objects to this interrogatory as premature, especially to the extent it seeks: (1) Capella's contentions at this stage of the above-captioned action; and/or (2) expert opinion and other information prior to the timeline agreed to by the parties/expected to be established by the Court. Capella also objects to this interrogatory to the extent it seeks the legal bases for its contentions.

Subject to the forgoing objections, Capella responds that each claim of the Asserted Claims is entitled to a priority date of no later than March 19, 2001. This preliminary response is based on Provisional Patent Application No. 60/277,217 and documents previously provided to Infinera in the 2014 litigation at CAPELLA 000599 - 000639. Because this interrogatory is premature, and improperly calls for expert opinion outside of what is permissible discovery,

Capella will not provide any additional response at this time.

Capella reserves its right to supplement and modify its responses to this interrogatory as additional relevant evidence is identified through its ongoing investigation.

INTERROGATORY NO. 2:

Identify and describe all factual and legal bases that support or contradict any allegation that a Capella Product practices any claim of any Asserted Patent, including an identification of which claim is practiced by the Capella Product.

RESPONSE TO INTERROGATORY NO. 2:

Capella objects to Interrogatory No. 2 to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, and/or any other privilege or immunity.

Capella objects to the term “Capella Product” as vague, ambiguous and overbroad. Capella also objects to this interrogatory as vague and ambiguous. Capella also objects to this interrogatory as overly broad and unduly burdensome. Capella also objects to this interrogatory as containing improper multiple subparts. Capella also objects to this interrogatory to the extent it seeks the legal bases for its contentions.

Subject to the forgoing objections, Capella responds that the following products previously sold by Capella practice one or more claims of the Asserted Patents: Capella’s CR50, CR100, WavePath 4500 and WavePath 9600 products. Capella reserves its right to supplement and modify its responses to this interrogatory as additional relevant evidence is identified through its ongoing investigation.

INTERROGATORY NO. 3:

Identify and describe all facts concerning actual or potential licensing or other assertion of any Asserted Patent, Predecessor Patent, or any Related U.S. or Foreign Patents.

the requirements of 35 U.S.C. § 287 were satisfied when Capella sued Infinera for patent infringement in 2014.

Capella reserves its right to supplement and modify its responses to this interrogatory as additional relevant evidence is identified through its ongoing investigation.

Dated: November 9, 2020

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was served on all counsel of record who have consented to electronic service on this 9th day of November, 2020.

/s/ Christopher L. Wanger
Christopher L. Wanger

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